

1 AN ACT in relation to elderly persons and persons with
2 disabilities.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Elder Abuse and Neglect Act is amended by
6 changing Sections 3.5, 4, and 7 and adding Section 14 as
7 follows:

8 (320 ILCS 20/3.5)

9 Sec. 3.5. Other Responsibilities. The Department shall
10 also be responsible for the following activities, contingent
11 upon adequate funding:

12 (a) promotion of a wide range of endeavors for the
13 purpose of preventing elder abuse, neglect, and financial
14 exploitation in both domestic and institutional settings,
15 including, but not limited to, promotion of public and
16 professional education to increase awareness of elder abuse,
17 neglect, and financial exploitation, to increase reports, and
18 to improve response by various legal, financial, social, and
19 health systems;

20 (b) coordination of efforts with other agencies,
21 councils, and like entities, to include but not be limited
22 to, the Office of the Attorney General, the State Police, the
23 Illinois Law Enforcement Training Standards Board, the State
24 Triad, the Illinois Criminal Justice Information Authority,
25 the Departments of Public Health, Public Aid, and Human
26 Services, the Family Violence Coordinating Council, the
27 Illinois Violence Prevention Authority, and other entities
28 which may impact awareness of, and response to, elder abuse,
29 neglect, and financial exploitation;

30 (c) collection and analysis of data;

31 (d) monitoring of the performance of regional

1 administrative agencies and elder abuse provider agencies;
2 and

3 (e) promotion of prevention activities;-

4 (f) establishing and coordinating a training program on
5 the unique nature of elder abuse cases with other agencies,
6 councils, and like entities, to include but not be limited to
7 the Office of the Attorney General, the State Police, the
8 Illinois Law Enforcement Training Standards Board, the State
9 Triad, the Illinois Criminal Justice Information Authority,
10 the State departments of Public Health, Public Aid, and Human
11 Services, the Family Violence Coordinating Council, the
12 Illinois Violence Prevention Authority, and other entities
13 that may impact awareness of, and response to elder abuse,
14 neglect, and financial exploitation;

15 (g) coordinating efforts with banks and financial
16 institutions to educate and warn persons 60 years of age and
17 older about financial exploitation and coordinating an
18 ombudsman program with banks and financial institutions to
19 educate persons 60 years of age and older on investing,
20 financial exploitation, and telemarketing fraud; and

21 (h) coordinating efforts with utility and electric
22 companies to send notices in utility bills to explain to
23 persons 60 years of age or older their rights regarding
24 telemarketing and home repair fraud.

25 (Source: P.A. 92-16, eff. 6-28-01.)

26 (320 ILCS 20/4) (from Ch. 23, par. 6604)

27 Sec. 4. Reports of abuse or neglect.

28 (a) Any person who suspects the abuse, neglect, or
29 financial exploitation of an eligible adult may report this
30 suspicion to an agency designated to receive such reports
31 under this Act or to the Department.

32 (a-5) If any mandated reporter has reason to believe
33 that an eligible adult, who because of dysfunction is unable

1 to seek assistance for himself or herself, has, within the
2 previous 12 months, been subjected to abuse, neglect, or
3 financial exploitation, the mandated reporter shall, within
4 24 hours after developing such belief, report this suspicion
5 to an agency designated to receive such reports under this
6 Act or to the Department. Whenever a mandated reporter is
7 required to report under this Act in his or her capacity as a
8 member of the staff of a medical or other public or private
9 institution, facility, board and care home, or agency, he or
10 she shall make a report to an agency designated to receive
11 such reports under this Act or to the Department in
12 accordance with the provisions of this Act and may also
13 notify the person in charge of the institution, facility,
14 board and care home, or agency or his or her designated agent
15 that the report has been made. Under no circumstances shall
16 any person in charge of such institution, facility, board and
17 care home, or agency, or his or her designated agent to whom
18 the notification has been made, exercise any control,
19 restraint, modification, or other change in the report or the
20 forwarding of the report to an agency designated to receive
21 such reports under this Act or to the Department. The
22 privileged quality of communication between any professional
23 person required to report and his or her patient or client
24 shall not apply to situations involving abused, neglected, or
25 financially exploited eligible adults and shall not
26 constitute grounds for failure to report as required by this
27 Act.

28 (a-7) A person making a report under this Act in the
29 belief that it is in the alleged victim's best interest shall
30 be immune from criminal or civil liability or professional
31 disciplinary action on account of making the report,
32 notwithstanding any requirements concerning the
33 confidentiality of information with respect to such eligible
34 adult which might otherwise be applicable.

1 (a-9) Law enforcement officers shall continue to report
2 incidents of alleged abuse pursuant to the Illinois Domestic
3 Violence Act of 1986, notwithstanding any requirements under
4 this Act.

5 (b) Any person, institution or agency participating in
6 the making of a report, providing information or records
7 related to a report, assessment, or services, or
8 participating in the investigation of a report under this Act
9 in good faith, or taking photographs or x-rays as a result of
10 an authorized assessment, shall have immunity from any civil,
11 criminal or other liability in any civil, criminal or other
12 proceeding brought in consequence of making such report or
13 assessment or on account of submitting or otherwise
14 disclosing such photographs or x-rays to any agency
15 designated to receive reports of alleged or suspected abuse
16 or neglect. Any person, institution or agency authorized by
17 the Department to provide assessment, intervention, or
18 administrative services under this Act shall, in the good
19 faith performance of those services, have immunity from any
20 civil, criminal or other liability in any civil, criminal, or
21 other proceeding brought as a consequence of the performance
22 of those services. For the purposes of any civil, criminal,
23 or other proceeding, the good faith of any person required to
24 report, permitted to report, or participating in an
25 investigation of a report of alleged or suspected abuse,
26 neglect, or financial exploitation shall be presumed.

27 (c) The identity of a person making a report of alleged
28 or suspected abuse or neglect under this Act may be disclosed
29 by the Department or other agency provided for in this Act
30 only with such person's written consent or by court order.

31 (d) The Department shall by rule establish a system for
32 filing and compiling reports made under this Act.

33 (e) A mandated reporter who is required to make a report
34 of suspected abuse, neglect, or financial exploitation under

1 this Act who fails to do so is guilty of a Class A
2 misdemeanor.

3 (Source: P.A. 90-628, eff. 1-1-99.)

4 (320 ILCS 20/7) (from Ch. 23, par. 6607)

5 Sec. 7. Review. All services provided to an eligible
6 adult shall be reviewed by the provider agency on at least a
7 quarterly basis for up to 2 years ~~one--year~~ to determine
8 whether the service care plan should be continued or
9 modified.

10 (Source: P.A. 90-628, eff. 1-1-99.)

11 (320 ILCS 20/14 new)

12 Sec. 14. Private caregivers registry. The Department
13 shall maintain a computerized database of caregivers who have
14 been convicted of a violation of Section 12-19, 12-21, or
15 16-1.3 of the Criminal Code of 1961. Within 48 hours after
16 the conviction of any caregiver for any of these violations,
17 the clerk of the court shall forward the record of conviction
18 to the Department. The Department shall enter that
19 information in the database. The Department shall
20 periodically update the database and make the information
21 available on the Internet by means of a hyperlink to the
22 Department's World Wide Web home page. The Department shall
23 adopt rules to implement this Section.

24 Section 10. The Criminal Code of 1961 is amended by
25 changing Sections 12-19, 12-21, and 16-1.3 as follows:

26 (720 ILCS 5/12-19) (from Ch. 38, par. 12-19)

27 Sec. 12-19. Abuse and Criminal Gross Neglect of a Long
28 Term Care Facility Resident.

29 (a) Any person or any owner or licensee of a long term
30 care facility who abuses a long term care facility resident

1 is guilty of a Class 3 felony. Any person or any owner or
2 licensee of a long term care facility who criminally grossly
3 neglects a long term care facility resident as described in
4 paragraph (a)(1), (a)(2), or (a)(3) of Section 12-21 is
5 guilty of a Class 3 4 felony. A person whose criminal neglect
6 of a long term care facility resident results in the
7 resident's death is guilty of a Class 2 felony for which the
8 defendant, if sentenced to a term of imprisonment, shall be
9 sentenced to a term of not less than 3 years and not more
10 than 14 years. However, nothing herein shall be deemed to
11 apply to a physician licensed to practice medicine in all its
12 branches or a duly licensed nurse providing care within the
13 scope of his or her professional judgment and within the
14 accepted standards of care within the community.

15 (b) Notwithstanding the penalties in subsections (a) and
16 (c) and in addition thereto, if a licensee or owner of a long
17 term care facility or his or her employee has caused neglect
18 of a resident, the licensee or owner is guilty of a petty
19 offense. An owner or licensee is guilty under this
20 subsection (b) only if the owner or licensee failed to
21 exercise reasonable care in the hiring, training, supervising
22 or providing of staff or other related routine administrative
23 responsibilities.

24 (c) Notwithstanding the penalties in subsections (a) and
25 (b) and in addition thereto, if a licensee or owner of a long
26 term care facility or his or her employee has caused gross
27 neglect of a resident, the licensee or owner is guilty of a
28 business offense for which a fine of not more than \$10,000
29 may be imposed. An owner or licensee is guilty under this
30 subsection (c) only if the owner or licensee failed to
31 exercise reasonable care in the hiring, training, supervising
32 or providing of staff or other related routine administrative
33 responsibilities.

34 (d) For the purpose of this Section:

1 (1) "Abuse" means intentionally or knowingly
2 causing any physical or mental injury or committing any
3 sexual offense set forth in this Code.

4 (2) "Gross neglect" means recklessly failing to
5 provide adequate medical or personal care or maintenance,
6 which failure results in physical or mental injury or the
7 deterioration of a physical or mental condition.

8 (3) "Neglect" means negligently failing to provide
9 adequate medical or personal care or maintenance, which
10 failure results in physical or mental injury or the
11 deterioration of a physical or mental condition.

12 (4) "Resident" means a person residing in a long
13 term care facility.

14 (5) "Owner" means the person who owns a long term
15 care facility as provided under the Nursing Home Care Act
16 or an assisted living or shared housing establishment
17 under the Assisted Living and Shared Housing Act.

18 (6) "Licensee" means the individual or entity
19 licensed to operate a facility under the Nursing Home
20 Care Act or the Assisted Living and Shared Housing Act.

21 (7) "Facility" or "long term care facility" means a
22 private home, institution, building, residence, or any
23 other place, whether operated for profit or not, or a
24 county home for the infirm and chronically ill operated
25 pursuant to Division 5-21 or 5-22 of the Counties Code,
26 or any similar institution operated by the State of
27 Illinois or a political subdivision thereof, which
28 provides, through its ownership or management, personal
29 care, sheltered care or nursing for 3 or more persons not
30 related to the owner by blood or marriage. The term also
31 includes skilled nursing facilities and intermediate care
32 facilities as defined in Title XVIII and Title XIX of the
33 federal Social Security Act and assisted living
34 establishments and shared housing establishments licensed

1 under the Assisted Living and Shared Housing Act.

2 (e) Nothing contained in this Section shall be deemed to
3 apply to the medical supervision, regulation or control of
4 the remedial care or treatment of residents in a facility
5 conducted for those who rely upon treatment by prayer or
6 spiritual means in accordance with the creed or tenets of any
7 well recognized church or religious denomination and which is
8 licensed in accordance with Section 3-803 of the Nursing Home
9 Care Act.

10 (Source: P.A. 91-656, eff. 1-1-01.)

11 (720 ILCS 5/12-21) (from Ch. 38, par. 12-21)

12 Sec. 12-21. Criminal abuse or neglect of an elderly
13 person or disabled person with a disability.

14 (a) A person commits the offense of criminal abuse or
15 neglect of an elderly person or disabled person with a
16 disability when he or she is a caregiver and he or she
17 knowingly:

18 (1) performs acts that cause the elderly person or
19 person with a disability's ~~disabled-person's~~ life to be
20 endangered, health to be injured, or pre-existing
21 physical or mental condition to deteriorate; or

22 (2) fails to perform acts that he or she knows or
23 reasonably should know are necessary to maintain or
24 preserve the life or health of the elderly person or
25 disabled person with a disability and such failure causes
26 the elderly person or person with a disability's
27 ~~-disabled-person's~~ life to be endangered, health to be
28 injured or pre-existing physical or mental condition to
29 deteriorate; or

30 (3) abandons the elderly person or disabled person
31 with a disability; or

32 (4) physically abuses, harasses, intimidates, or
33 interferes with the personal liberty of the elderly

1 person or disabled person with a disability or exposes
2 the elderly person or disabled person with a disability
3 to willful deprivation.

4 Criminal abuse or neglect of an elderly person or
5 disabled person with a disability is a Class 3 felony.
6 Criminal neglect of an elderly person or person with a
7 disability is a Class 2 felony if the criminal neglect
8 results in the death of the person neglected for which the
9 defendant, if sentenced to a term of imprisonment, shall be
10 sentenced to a term of not less than 3 years and not more
11 than 14 years.

12 (b) For purposes of this Section:

13 (1) "Elderly person" means a person 60 years of age
14 or older who ~~is--suffering-from-a-disease-or-infirmary~~
15 ~~associated-with-advanced-age-and-manifested-by--physical,~~
16 ~~mental--or--emotional--dysfunctioning--to-the-extent-that~~
17 ~~such-person~~ is incapable of adequately providing for his
18 own health and personal care.

19 (2) "Disabled Person with a disability" means a
20 person who suffers from a permanent physical or mental
21 impairment, resulting from disease, injury, functional
22 disorder or congenital condition which renders such
23 person incapable of adequately providing for his own
24 health and personal care.

25 (3) "Caregiver" means a person who has a duty to
26 provide for an elderly person or person with a
27 disability's ~~disabled-person's~~ health and personal care,
28 at such person's place of residence, including but not
29 limited to, food and nutrition, shelter, hygiene,
30 prescribed medication and medical care and treatment.

31 "Caregiver" shall include:

32 (A) a parent, spouse, adult child or other
33 relative by blood or marriage who resides with or
34 resides in the same building with or and regularly

1 visits the elderly person or disabled person with a
2 disability, knows or reasonably should know of such
3 person's physical or mental impairment and knows or
4 reasonably should know that such person is unable to
5 adequately provide for his own health and personal
6 care;

7 (B) a person who is employed by the elderly
8 person or disabled person with a disability or by
9 another to reside with or regularly visit the
10 elderly person or disabled person with a disability
11 and provide for such person's health and personal
12 care;

13 (C) a person who has agreed for consideration
14 to reside with or regularly visit the elderly person
15 or disabled person with a disability and provide
16 for such person's health and personal care; and

17 (D) a person who has been appointed by a
18 private or public agency or by a court of competent
19 jurisdiction to provide for the elderly person or
20 person with a disability's disabled-person's health
21 and personal care.

22 "Caregiver" shall not include a long-term care
23 facility licensed or certified under the Nursing Home
24 Care Act or any administrative, medical or other
25 personnel of such a facility, or a health care provider
26 who is licensed under the Medical Practice Act of 1987
27 and renders care in the ordinary course of his
28 profession.

29 (4) "Abandon" means to desert or knowingly forsake
30 an elderly person or disabled person with a disability
31 under circumstances in which a reasonable person would
32 continue to provide care and custody.

33 (5) "Willful deprivation" has the meaning ascribed
34 to it in paragraph (15) of Section 103 of the Illinois

1 Domestic Violence Act of 1986.

2 (c) Nothing in this Section shall be construed to limit
3 the remedies available to the victim under the Illinois
4 Domestic Violence Act.

5 (d) Nothing in this Section shall be construed to impose
6 criminal liability on a person who has made a good faith
7 effort to provide for the health and personal care of an
8 elderly person or disabled person with a disability, but
9 through no fault of his own has been unable to provide such
10 care.

11 (e) Nothing in this Section shall be construed as
12 prohibiting a person from providing treatment by spiritual
13 means through prayer alone and care consistent therewith in
14 lieu of medical care and treatment in accordance with the
15 tenets and practices of any church or religious denomination
16 of which the elderly person or disabled person with a
17 disability is a member.

18 (f) It is not a defense to criminal abuse or neglect of
19 an elderly person or disabled person with a disability that
20 the accused reasonably believed that the victim was not an
21 elderly person or disabled person with a disability.

22 (Source: P.A. 92-328, eff. 1-1-02.)

23 (720 ILCS 5/16-1.3) (from Ch. 38, par. 16-1.3)

24 Sec. 16-1.3. Financial exploitation of an elderly person
25 or a person with a disability.

26 (a) A person commits the offense of financial
27 exploitation of an elderly person or a person with a
28 disability when he or she stands in a position of trust or
29 confidence with the elderly person or a person with a
30 disability and he or she knowingly and by deception or
31 intimidation obtains control over the property of an elderly
32 person or a person with a disability or illegally uses the
33 assets or resources of an elderly person or a person with a

1 disability. The illegal use of the assets or resources of an
 2 elderly person or a person with a disability includes, but is
 3 not limited to, the misappropriation of those assets or
 4 resources by undue influence, breach of a fiduciary
 5 relationship, fraud, deception, extortion, or use of the
 6 assets or resources contrary to law with--the-intent-to
 7 permanently-deprive-the-elderly-person-or-the-person--with--a
 8 disability--of--the-use,-benefit,-or-possession-of-his-or-her
 9 property.

10 Financial exploitation of an elderly person or a person
 11 with a disability is a Class 4 felony if the value of the
 12 property is \$300 or less, a Class 3 felony if the value of
 13 the property is more than \$300 but less than \$5,000, a Class
 14 2 felony if the value of the property is \$5,000 or more but
 15 less than \$100,000 and a Class 1 felony if the value of the
 16 property is \$100,000 or more or if the elderly person is over
 17 70 years of age and the value of the property is \$15,000 or
 18 more or if the elderly person is 80 years of age or older and
 19 the value of the property is \$5,000 or more.

20 (b) For purposes of this Section:

21 (1) "Elderly person" means a person 60 years of age
 22 or older ~~who is suffering from a disease or infirmity~~
 23 ~~that impairs the individual's mental or physical ability~~
 24 ~~to independently manage his or her property or financial~~
 25 ~~resources, or both.~~

26 (2) "Person with a disability" means a person who
 27 suffers from a permanent physical or mental impairment
 28 resulting from disease, injury, functional disorder or
 29 congenital condition that impairs the individual's mental
 30 or physical ability to independently manage his or her
 31 property or financial resources, or both.

32 (3) "Intimidation" means the communication to an
 33 elderly person or a person with a disability that he or
 34 she shall be deprived of food and nutrition, shelter,

1 prescribed medication or medical care and treatment.

2 (4) "Deception" means, in addition to its meaning
3 as defined in Section 15-4 of this Code, a
4 misrepresentation or concealment of material fact
5 relating to the terms of a contract or agreement entered
6 into with the elderly person or person with a disability
7 or to the existing or pre-existing condition of any of
8 the property involved in such contract or agreement; or
9 the use or employment of any misrepresentation, false
10 pretense or false promise in order to induce, encourage
11 or solicit the elderly person or person with a disability
12 to enter into a contract or agreement.

13 (c) For purposes of this Section, a person stands in a
14 position of trust and confidence with an elderly person or
15 person with a disability when he (1) is a parent, spouse,
16 adult child or other relative by blood or marriage of the
17 elderly person or person with a disability, (2) is a joint
18 tenant or tenant in common with the elderly person or person
19 with a disability, (3) has a legal or fiduciary relationship
20 with the elderly person or person with a disability, or (4)
21 is a financial planning or investment professional.

22 (d) Nothing in this Section shall be construed to limit
23 the remedies available to the victim under the Illinois
24 Domestic Violence Act of 1986.

25 (e) Nothing in this Section shall be construed to impose
26 criminal liability on a person who has made a good faith
27 effort to assist the elderly person or person with a
28 disability in the management of his or her property, but
29 through no fault of his or her own has been unable to provide
30 such assistance.

31 (f) It shall not be a defense to financial exploitation
32 of an elderly person or person with a disability that the
33 accused reasonably believed that the victim was not an
34 elderly person or person with a disability.

1 (g) Civil Liability. A person who is charged by
 2 information or indictment with the offense of financial
 3 exploitation of an elderly person or person with a disability
 4 and who fails or refuses to return the victim's property
 5 within 60 days following a written demand from the victim or
 6 the victim's legal representative shall be liable to the
 7 victim or to the estate of the victim in damages of treble
 8 the amount of the value of the property obtained, plus
 9 reasonable attorney fees and court costs. The burden of
 10 proof that the defendant unlawfully obtained the victim's
 11 property shall be by a preponderance of the evidence. This
 12 subsection shall be operative whether or not the defendant
 13 has been convicted of the offense.

14 (Source: P.A. 91-236, eff. 7-22-99; 92-808, eff. 8-21-02.)

15 Section 15. The Code of Criminal Procedure of 1963 is
 16 amended by changing Section 115-10.3 and adding Section
 17 114-13.5 as follows:

18 (725 ILCS 5/114-13.5 new)

19 Sec. 114-13.5. Evidence deposition; elder abuse. In a
 20 prosecution for abuse, neglect, or financial exploitation of
 21 an eligible adult as defined in the Elder Abuse and Neglect
 22 Act, the eligible adult may give testimony in the form of an
 23 evidence deposition and not be required to appear in court to
 24 testify.

25 (725 ILCS 5/115-10.3)

26 Sec. 115-10.3. Hearsay exception regarding elder adults.

27 (a) In a prosecution for a physical act, abuse, neglect,
 28 or financial exploitation perpetrated upon or against an
 29 eligible adult, as defined in the Elder Abuse and Neglect
 30 Act, who ~~at--the-time-the-act-was-committed-or-prior-to-the~~
 31 ~~time-of-the-trial~~ has been diagnosed by a physician to suffer

1 from (i) any form of dementia, developmental disability, or
2 other form of mental incapacity or (ii) any physical
3 infirmity, including but not limited to prosecutions for
4 violations of Sections 10-1, 10-2, 10-3, 10-3.1, 10-4, 11-11,
5 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.5,
6 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1,
7 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1, 17-3,
8 18-1, 18-2, 18-3, 18-4, 18-5, 20-1.1, 24-1.2, and 33A-2 of
9 the Criminal Code of 1961, the following evidence shall be
10 admitted as an exception to the hearsay rule:

11 (1) testimony by an eligible adult, of an out of
12 court statement made by the eligible adult, that he or
13 she complained of such act to another; and

14 (2) testimony of an out of court statement made by
15 the eligible adult, describing any complaint of such act
16 or matter or detail pertaining to any act which is an
17 element of an offense which is the subject of a
18 prosecution for a physical act, abuse, neglect, or
19 financial exploitation perpetrated upon or against the
20 eligible adult.

21 (b) Such testimony shall only be admitted if:

22 (1) The court finds in a hearing conducted outside
23 the presence of the jury that the time, content, and
24 circumstances of the statement provide sufficient
25 safeguards of reliability; and

26 (2) The eligible adult either:

27 (A) testifies at the proceeding; or

28 (B) is unavailable as a witness and there is
29 corroborative evidence of the act which is the
30 subject of the statement.

31 (c) If a statement is admitted pursuant to this Section,
32 the court shall instruct the jury that it is for the jury to
33 determine the weight and credibility to be given the
34 statement and that, in making the determination, it shall

1 consider the condition of the eligible adult, the nature of
2 the statement, the circumstances under which the statement
3 was made, and any other relevant factor.

4 (d) The proponent of the statement shall give the
5 adverse party reasonable notice of his or her intention to
6 offer the statement and the particulars of the statement.

7 (Source: P.A. 92-91, eff. 7-18-01.)

8 Section 20. The Unified Code of Corrections is amended
9 by changing Section 5-5-3 as follows:

10 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

11 Sec. 5-5-3. Disposition.

12 (a) Every person convicted of an offense shall be
13 sentenced as provided in this Section.

14 (b) The following options shall be appropriate
15 dispositions, alone or in combination, for all felonies and
16 misdemeanors other than those identified in subsection (c) of
17 this Section:

18 (1) A period of probation.

19 (2) A term of periodic imprisonment.

20 (3) A term of conditional discharge.

21 (4) A term of imprisonment.

22 (5) An order directing the offender to clean up and
23 repair the damage, if the offender was convicted under
24 paragraph (h) of Section 21-1 of the Criminal Code of
25 1961.

26 (6) A fine.

27 (7) An order directing the offender to make
28 restitution to the victim under Section 5-5-6 of this
29 Code.

30 (8) A sentence of participation in a county impact
31 incarceration program under Section 5-8-1.2 of this Code.

32 Whenever an individual is sentenced for an offense based

1 upon an arrest for a violation of Section 11-501 of the
2 Illinois Vehicle Code, or a similar provision of a local
3 ordinance, and the professional evaluation recommends
4 remedial or rehabilitative treatment or education, neither
5 the treatment nor the education shall be the sole disposition
6 and either or both may be imposed only in conjunction with
7 another disposition. The court shall monitor compliance with
8 any remedial education or treatment recommendations contained
9 in the professional evaluation. Programs conducting alcohol
10 or other drug evaluation or remedial education must be
11 licensed by the Department of Human Services. However, if
12 the individual is not a resident of Illinois, the court may
13 accept an alcohol or other drug evaluation or remedial
14 education program in the state of such individual's
15 residence. Programs providing treatment must be licensed
16 under existing applicable alcoholism and drug treatment
17 licensure standards.

18 In addition to any other fine or penalty required by law,
19 any individual convicted of a violation of Section 11-501 of
20 the Illinois Vehicle Code or a similar provision of local
21 ordinance, whose operation of a motor vehicle while in
22 violation of Section 11-501 or such ordinance proximately
23 caused an incident resulting in an appropriate emergency
24 response, shall be required to make restitution to a public
25 agency for the costs of that emergency response. Such
26 restitution shall not exceed \$500 per public agency for each
27 such emergency response. For the purpose of this paragraph,
28 emergency response shall mean any incident requiring a
29 response by: a police officer as defined under Section 1-162
30 of the Illinois Vehicle Code; a fireman carried on the rolls
31 of a regularly constituted fire department; and an ambulance
32 as defined under Section 4.05 of the Emergency Medical
33 Services (EMS) Systems Act.

34 Neither a fine nor restitution shall be the sole

1 disposition for a felony and either or both may be imposed
2 only in conjunction with another disposition.

3 (c) (1) When a defendant is found guilty of first degree
4 murder the State may either seek a sentence of
5 imprisonment under Section 5-8-1 of this Code, or where
6 appropriate seek a sentence of death under Section 9-1 of
7 the Criminal Code of 1961.

8 (2) A period of probation, a term of periodic
9 imprisonment or conditional discharge shall not be
10 imposed for the following offenses. The court shall
11 sentence the offender to not less than the minimum term
12 of imprisonment set forth in this Code for the following
13 offenses, and may order a fine or restitution or both in
14 conjunction with such term of imprisonment:

15 (A) First degree murder where the death
16 penalty is not imposed.

17 (B) Attempted first degree murder.

18 (C) A Class X felony.

19 (D) A violation of Section 401.1 or 407 of the
20 Illinois Controlled Substances Act, or a violation
21 of subdivision (c)(1) or (c)(2) of Section 401 of
22 that Act which relates to more than 5 grams of a
23 substance containing heroin or cocaine or an analog
24 thereof.

25 (E) A violation of Section 5.1 or 9 of the
26 Cannabis Control Act.

27 (F) A Class 2 or greater felony if the
28 offender had been convicted of a Class 2 or greater
29 felony within 10 years of the date on which the
30 offender committed the offense for which he or she
31 is being sentenced, except as otherwise provided in
32 Section 40-10 of the Alcoholism and Other Drug Abuse
33 and Dependency Act.

34 (G) Residential burglary, except as otherwise

1 provided in Section 40-10 of the Alcoholism and
2 Other Drug Abuse and Dependency Act.

3 (H) Criminal sexual assault, except as
4 otherwise provided in subsection (e) of this
5 Section.

6 (I) Aggravated battery of a senior citizen.

7 (J) A forcible felony if the offense was
8 related to the activities of an organized gang.

9 Before July 1, 1994, for the purposes of this
10 paragraph, "organized gang" means an association of
11 5 or more persons, with an established hierarchy,
12 that encourages members of the association to
13 perpetrate crimes or provides support to the members
14 of the association who do commit crimes.

15 Beginning July 1, 1994, for the purposes of
16 this paragraph, "organized gang" has the meaning
17 ascribed to it in Section 10 of the Illinois
18 Streetgang Terrorism Omnibus Prevention Act.

19 (K) Vehicular hijacking.

20 (L) A second or subsequent conviction for the
21 offense of hate crime when the underlying offense
22 upon which the hate crime is based is felony
23 aggravated assault or felony mob action.

24 (M) A second or subsequent conviction for the
25 offense of institutional vandalism if the damage to
26 the property exceeds \$300.

27 (N) A Class 3 felony violation of paragraph
28 (1) of subsection (a) of Section 2 of the Firearm
29 Owners Identification Card Act.

30 (O) A violation of Section 12-6.1 of the
31 Criminal Code of 1961.

32 (P) A violation of paragraph (1), (2), (3),
33 (4), (5), or (7) of subsection (a) of Section
34 11-20.1 of the Criminal Code of 1961.

1 (Q) A violation of Section 20-1.2 of the
2 Criminal Code of 1961.

3 (R) A violation of Section 24-3A of the
4 Criminal Code of 1961.

5 (S) A violation of Section 11-501(c-1)(3) of
6 the Illinois Vehicle Code.

7 (3) A minimum term of imprisonment of not less than
8 5 days or 30 days of community service as may be
9 determined by the court shall be imposed for a second
10 violation committed within 5 years of a previous
11 violation of Section 11-501 of the Illinois Vehicle Code
12 or a similar provision of a local ordinance. In the case
13 of a third or subsequent violation committed within 5
14 years of a previous violation of Section 11-501 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance, a minimum term of either 10 days of
17 imprisonment or 60 days of community service shall be
18 imposed.

19 (4) A minimum term of imprisonment of not less than
20 10 consecutive days or 30 days of community service shall
21 be imposed for a violation of paragraph (c) of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.1) A minimum term of 30 consecutive days of
24 imprisonment, 40 days of 24 hour periodic imprisonment or
25 720 hours of community service, as may be determined by
26 the court, shall be imposed for a violation of Section
27 11-501 of the Illinois Vehicle Code during a period in
28 which the defendant's driving privileges are revoked or
29 suspended, where the revocation or suspension was for a
30 violation of Section 11-501 or Section 11-501.1 of that
31 Code.

32 (4.2) Except as provided in paragraph (4.3) of this
33 subsection (c), a minimum of 100 hours of community
34 service shall be imposed for a second violation of

1 Section 6-303 of the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or
3 300 hours of community service, as determined by the
4 court, shall be imposed for a second violation of
5 subsection (c) of Section 6-303 of the Illinois Vehicle
6 Code.

7 (4.4) Except as provided in paragraph (4.5) and
8 paragraph (4.6) of this subsection (c), a minimum term of
9 imprisonment of 30 days or 300 hours of community
10 service, as determined by the court, shall be imposed for
11 a third or subsequent violation of Section 6-303 of the
12 Illinois Vehicle Code.

13 (4.5) A minimum term of imprisonment of 30 days
14 shall be imposed for a third violation of subsection (c)
15 of Section 6-303 of the Illinois Vehicle Code.

16 (4.6) A minimum term of imprisonment of 180 days
17 shall be imposed for a fourth or subsequent violation of
18 subsection (c) of Section 6-303 of the Illinois Vehicle
19 Code.

20 (5) The court may sentence an offender convicted of
21 a business offense or a petty offense or a corporation or
22 unincorporated association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under
26 Section 5-5-6 of this Code.

27 (5.1) In addition to any penalties imposed under
28 paragraph (5) of this subsection (c), and except as
29 provided in paragraph (5.2) or (5.3), a person convicted
30 of violating subsection (c) of Section 11-907 of the
31 Illinois Vehicle Code shall have his or her driver's
32 license, permit, or privileges suspended for at least 90
33 days but not more than one year, if the violation
34 resulted in damage to the property of another person.

1 (5.2) In addition to any penalties imposed under
2 paragraph (5) of this subsection (c), and except as
3 provided in paragraph (5.3), a person convicted of
4 violating subsection (c) of Section 11-907 of the
5 Illinois Vehicle Code shall have his or her driver's
6 license, permit, or privileges suspended for at least 180
7 days but not more than 2 years, if the violation resulted
8 in injury to another person.

9 (5.3) In addition to any penalties imposed under
10 paragraph (5) of this subsection (c), a person convicted
11 of violating subsection (c) of Section 11-907 of the
12 Illinois Vehicle Code shall have his or her driver's
13 license, permit, or privileges suspended for 2 years, if
14 the violation resulted in the death of another person.

15 (6) In no case shall an offender be eligible for a
16 disposition of probation or conditional discharge for a
17 Class 1 felony committed while he was serving a term of
18 probation or conditional discharge for a felony.

19 (7) When a defendant is adjudged a habitual
20 criminal under Article 33B of the Criminal Code of 1961,
21 the court shall sentence the defendant to a term of
22 natural life imprisonment.

23 (8) When a defendant, over the age of 21 years, is
24 convicted of a Class 1 or Class 2 felony, after having
25 twice been convicted in any state or federal court of an
26 offense that contains the same elements as an offense now
27 classified in Illinois as a Class 2 or greater Class
28 felony and such charges are separately brought and tried
29 and arise out of different series of acts, such defendant
30 shall be sentenced as a Class X offender. This paragraph
31 shall not apply unless (1) the first felony was committed
32 after the effective date of this amendatory Act of 1977;
33 and (2) the second felony was committed after conviction
34 on the first; and (3) the third felony was committed

1 after conviction on the second. A person sentenced as a
2 Class X offender under this paragraph is not eligible to
3 apply for treatment as a condition of probation as
4 provided by Section 40-10 of the Alcoholism and Other
5 Drug Abuse and Dependency Act.

6 (9) A defendant convicted of a second or subsequent
7 offense of ritualized abuse of a child may be sentenced
8 to a term of natural life imprisonment.

9 (10) When a person is convicted of violating
10 Section 11-501 of the Illinois Vehicle Code or a similar
11 provision of a local ordinance, the following penalties
12 apply when his or her blood, breath, or urine was .16 or
13 more based on the definition of blood, breath, or urine
14 units in Section 11-501.2 or that person is convicted of
15 violating Section 11-501 of the Illinois Vehicle Code
16 while transporting a child under the age of 16:

17 (A) For a first violation of subsection (a) of
18 Section 11-501, in addition to any other penalty
19 that may be imposed under subsection (c) of Section
20 11-501: a mandatory minimum of 100 hours of
21 community service and a minimum fine of \$500.

22 (B) For a second violation of subsection (a)
23 of Section 11-501, in addition to any other penalty
24 that may be imposed under subsection (c) of Section
25 11-501 within 10 years: a mandatory minimum of 2
26 days of imprisonment and a minimum fine of \$1,250.

27 (C) For a third violation of subsection (a) of
28 Section 11-501, in addition to any other penalty
29 that may be imposed under subsection (c) of Section
30 11-501 within 20 years: a mandatory minimum of 90
31 days of imprisonment and a minimum fine of \$2,500.

32 (D) For a fourth or subsequent violation of
33 subsection (a) of Section 11-501: ineligibility for
34 a sentence of probation or conditional discharge and

1 a minimum fine of \$2,500.

2 (d) In any case in which a sentence originally imposed
3 is vacated, the case shall be remanded to the trial court.
4 The trial court shall hold a hearing under Section 5-4-1 of
5 the Unified Code of Corrections which may include evidence of
6 the defendant's life, moral character and occupation during
7 the time since the original sentence was passed. The trial
8 court shall then impose sentence upon the defendant. The
9 trial court may impose any sentence which could have been
10 imposed at the original trial subject to Section 5-5-4 of the
11 Unified Code of Corrections. If a sentence is vacated on
12 appeal or on collateral attack due to the failure of the
13 trier of fact at trial to determine beyond a reasonable doubt
14 the existence of a fact (other than a prior conviction)
15 necessary to increase the punishment for the offense beyond
16 the statutory maximum otherwise applicable, either the
17 defendant may be re-sentenced to a term within the range
18 otherwise provided or, if the State files notice of its
19 intention to again seek the extended sentence, the defendant
20 shall be afforded a new trial.

21 (e) In cases where prosecution for criminal sexual
22 assault or aggravated criminal sexual abuse under Section
23 12-13 or 12-16 of the Criminal Code of 1961 results in
24 conviction of a defendant who was a family member of the
25 victim at the time of the commission of the offense, the
26 court shall consider the safety and welfare of the victim and
27 may impose a sentence of probation only where:

28 (1) the court finds (A) or (B) or both are
29 appropriate:

30 (A) the defendant is willing to undergo a
31 court approved counseling program for a minimum
32 duration of 2 years; or

33 (B) the defendant is willing to participate in
34 a court approved plan including but not limited to

1 the defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the
5 family;

6 (iv) restitution for harm done to the
7 victim; and

8 (v) compliance with any other measures
9 that the court may deem appropriate; and

10 (2) the court orders the defendant to pay for the
11 victim's counseling services, to the extent that the
12 court finds, after considering the defendant's income and
13 assets, that the defendant is financially capable of
14 paying for such services, if the victim was under 18
15 years of age at the time the offense was committed and
16 requires counseling as a result of the offense.

17 Probation may be revoked or modified pursuant to Section
18 5-6-4; except where the court determines at the hearing that
19 the defendant violated a condition of his or her probation
20 restricting contact with the victim or other family members
21 or commits another offense with the victim or other family
22 members, the court shall revoke the defendant's probation and
23 impose a term of imprisonment.

24 For the purposes of this Section, "family member" and
25 "victim" shall have the meanings ascribed to them in Section
26 12-12 of the Criminal Code of 1961.

27 (f) This Article shall not deprive a court in other
28 proceedings to order a forfeiture of property, to suspend or
29 cancel a license, to remove a person from office, or to
30 impose any other civil penalty.

31 (g) Whenever a defendant is convicted of an offense
32 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,
33 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,
34 12-15 or 12-16 of the Criminal Code of 1961, the defendant

1 shall undergo medical testing to determine whether the
2 defendant has any sexually transmissible disease, including a
3 test for infection with human immunodeficiency virus (HIV) or
4 any other identified causative agent of acquired
5 immunodeficiency syndrome (AIDS). Any such medical test
6 shall be performed only by appropriately licensed medical
7 practitioners and may include an analysis of any bodily
8 fluids as well as an examination of the defendant's person.
9 Except as otherwise provided by law, the results of such test
10 shall be kept strictly confidential by all medical personnel
11 involved in the testing and must be personally delivered in a
12 sealed envelope to the judge of the court in which the
13 conviction was entered for the judge's inspection in camera.
14 Acting in accordance with the best interests of the victim
15 and the public, the judge shall have the discretion to
16 determine to whom, if anyone, the results of the testing may
17 be revealed. The court shall notify the defendant of the test
18 results. The court shall also notify the victim if requested
19 by the victim, and if the victim is under the age of 15 and
20 if requested by the victim's parents or legal guardian, the
21 court shall notify the victim's parents or legal guardian of
22 the test results. The court shall provide information on the
23 availability of HIV testing and counseling at Department of
24 Public Health facilities to all parties to whom the results
25 of the testing are revealed and shall direct the State's
26 Attorney to provide the information to the victim when
27 possible. A State's Attorney may petition the court to obtain
28 the results of any HIV test administered under this Section,
29 and the court shall grant the disclosure if the State's
30 Attorney shows it is relevant in order to prosecute a charge
31 of criminal transmission of HIV under Section 12-16.2 of the
32 Criminal Code of 1961 against the defendant. The court shall
33 order that the cost of any such test shall be paid by the
34 county and may be taxed as costs against the convicted

1 defendant.

2 (g-5) When an inmate is tested for an airborne
3 communicable disease, as determined by the Illinois
4 Department of Public Health including but not limited to
5 tuberculosis, the results of the test shall be personally
6 delivered by the warden or his or her designee in a sealed
7 envelope to the judge of the court in which the inmate must
8 appear for the judge's inspection in camera if requested by
9 the judge. Acting in accordance with the best interests of
10 those in the courtroom, the judge shall have the discretion
11 to determine what if any precautions need to be taken to
12 prevent transmission of the disease in the courtroom.

13 (h) Whenever a defendant is convicted of an offense
14 under Section 1 or 2 of the Hypodermic Syringes and Needles
15 Act, the defendant shall undergo medical testing to determine
16 whether the defendant has been exposed to human
17 immunodeficiency virus (HIV) or any other identified
18 causative agent of acquired immunodeficiency syndrome (AIDS).
19 Except as otherwise provided by law, the results of such test
20 shall be kept strictly confidential by all medical personnel
21 involved in the testing and must be personally delivered in a
22 sealed envelope to the judge of the court in which the
23 conviction was entered for the judge's inspection in camera.
24 Acting in accordance with the best interests of the public,
25 the judge shall have the discretion to determine to whom, if
26 anyone, the results of the testing may be revealed. The court
27 shall notify the defendant of a positive test showing an
28 infection with the human immunodeficiency virus (HIV). The
29 court shall provide information on the availability of HIV
30 testing and counseling at Department of Public Health
31 facilities to all parties to whom the results of the testing
32 are revealed and shall direct the State's Attorney to provide
33 the information to the victim when possible. A State's
34 Attorney may petition the court to obtain the results of any

1 HIV test administered under this Section, and the court
2 shall grant the disclosure if the State's Attorney shows it
3 is relevant in order to prosecute a charge of criminal
4 transmission of HIV under Section 12-16.2 of the Criminal
5 Code of 1961 against the defendant. The court shall order
6 that the cost of any such test shall be paid by the county
7 and may be taxed as costs against the convicted defendant.

8 (i) All fines and penalties imposed under this Section
9 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance,
11 and any violation of the Child Passenger Protection Act, or a
12 similar provision of a local ordinance, shall be collected
13 and disbursed by the circuit clerk as provided under Section
14 27.5 of the Clerks of Courts Act.

15 (j) In cases when prosecution for any violation of
16 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
17 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
18 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
19 12-16 of the Criminal Code of 1961, any violation of the
20 Illinois Controlled Substances Act, or any violation of the
21 Cannabis Control Act results in conviction, a disposition of
22 court supervision, or an order of probation granted under
23 Section 10 of the Cannabis Control Act or Section 410 of the
24 Illinois Controlled Substance Act of a defendant, the court
25 shall determine whether the defendant is employed by a
26 facility or center as defined under the Child Care Act of
27 1969, a public or private elementary or secondary school, or
28 otherwise works with children under 18 years of age on a
29 daily basis. When a defendant is so employed, the court
30 shall order the Clerk of the Court to send a copy of the
31 judgment of conviction or order of supervision or probation
32 to the defendant's employer by certified mail. If the
33 employer of the defendant is a school, the Clerk of the Court
34 shall direct the mailing of a copy of the judgment of

1 conviction or order of supervision or probation to the
2 appropriate regional superintendent of schools. The regional
3 superintendent of schools shall notify the State Board of
4 Education of any notification under this subsection.

5 (j-5) A defendant at least 17 years of age who is
6 convicted of a felony and who has not been previously
7 convicted of a misdemeanor or felony and who is sentenced to
8 a term of imprisonment in the Illinois Department of
9 Corrections shall as a condition of his or her sentence be
10 required by the court to attend educational courses designed
11 to prepare the defendant for a high school diploma and to
12 work toward a high school diploma or to work toward passing
13 the high school level Test of General Educational Development
14 (GED) or to work toward completing a vocational training
15 program offered by the Department of Corrections. If a
16 defendant fails to complete the educational training required
17 by his or her sentence during the term of incarceration, the
18 Prisoner Review Board shall, as a condition of mandatory
19 supervised release, require the defendant, at his or her own
20 expense, to pursue a course of study toward a high school
21 diploma or passage of the GED test. The Prisoner Review
22 Board shall revoke the mandatory supervised release of a
23 defendant who wilfully fails to comply with this subsection
24 (j-5) upon his or her release from confinement in a penal
25 institution while serving a mandatory supervised release
26 term; however, the inability of the defendant after making a
27 good faith effort to obtain financial aid or pay for the
28 educational training shall not be deemed a wilful failure to
29 comply. The Prisoner Review Board shall recommit the
30 defendant whose mandatory supervised release term has been
31 revoked under this subsection (j-5) as provided in Section
32 3-3-9. This subsection (j-5) does not apply to a defendant
33 who has a high school diploma or has successfully passed the
34 GED test. This subsection (j-5) does not apply to a defendant

1 who is determined by the court to be developmentally disabled
2 or otherwise mentally incapable of completing the educational
3 or vocational program.

4 (k) A court may not impose a sentence or disposition for
5 a felony or misdemeanor that requires the defendant to be
6 implanted or injected with or to use any form of birth
7 control.

8 (l) (A) Except as provided in paragraph (C) of
9 subsection (l), whenever a defendant, who is an alien as
10 defined by the Immigration and Nationality Act, is
11 convicted of any felony or misdemeanor offense, the court
12 after sentencing the defendant may, upon motion of the
13 State's Attorney, hold sentence in abeyance and remand
14 the defendant to the custody of the Attorney General of
15 the United States or his or her designated agent to be
16 deported when:

17 (1) a final order of deportation has been
18 issued against the defendant pursuant to proceedings
19 under the Immigration and Nationality Act, and

20 (2) the deportation of the defendant would not
21 deprecate the seriousness of the defendant's conduct
22 and would not be inconsistent with the ends of
23 justice.

24 Otherwise, the defendant shall be sentenced as
25 provided in this Chapter V.

26 (B) If the defendant has already been sentenced for
27 a felony or misdemeanor offense, or has been placed on
28 probation under Section 10 of the Cannabis Control Act or
29 Section 410 of the Illinois Controlled Substances Act,
30 the court may, upon motion of the State's Attorney to
31 suspend the sentence imposed, commit the defendant to the
32 custody of the Attorney General of the United States or
33 his or her designated agent when:

34 (1) a final order of deportation has been

1 issued against the defendant pursuant to proceedings
2 under the Immigration and Nationality Act, and

3 (2) the deportation of the defendant would not
4 deprecate the seriousness of the defendant's conduct
5 and would not be inconsistent with the ends of
6 justice.

7 (C) This subsection (1) does not apply to offenders
8 who are subject to the provisions of paragraph (2) of
9 subsection (a) of Section 3-6-3.

10 (D) Upon motion of the State's Attorney, if a
11 defendant sentenced under this Section returns to the
12 jurisdiction of the United States, the defendant shall be
13 recommitted to the custody of the county from which he or
14 she was sentenced. Thereafter, the defendant shall be
15 brought before the sentencing court, which may impose any
16 sentence that was available under Section 5-5-3 at the
17 time of initial sentencing. In addition, the defendant
18 shall not be eligible for additional good conduct credit
19 for meritorious service as provided under Section 3-6-6.

20 (m) A person convicted of criminal defacement of
21 property under Section 21-1.3 of the Criminal Code of 1961,
22 in which the property damage exceeds \$300 and the property
23 damaged is a school building, shall be ordered to perform
24 community service that may include cleanup, removal, or
25 painting over the defacement.

26 (n) The court may sentence a person convicted of a
27 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
28 Code of 1961 (i) to an impact incarceration program if the
29 person is otherwise eligible for that program under Section
30 5-8-1.1, (ii) to community service, or (iii) if the person is
31 an addict or alcoholic, as defined in the Alcoholism and
32 Other Drug Abuse and Dependency Act, to a substance or
33 alcohol abuse program licensed under that Act.

34 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;

1 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.
 2 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,
 3 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;
 4 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff.
 5 7-19-02.)

6 Section 25. The Probate Act of 1975 is amended by adding
 7 Section 2-6.6 as follows:

8 (755 ILCS 5/2-6.6 new)

9 Sec. 2-6.6. Person convicted of certain offenses against
 10 the elderly or disabled. A person who is convicted of a
 11 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
 12 Code of 1961 may not receive any property, benefit, or other
 13 interest by reason of the death of the victim of that
 14 offense, whether as heir, legatee, beneficiary, joint tenant,
 15 tenant by the entirety, survivor, appointee, or in any other
 16 capacity and whether the property, benefit, or other interest
 17 passes pursuant to any form of title registration,
 18 testamentary or nontestamentary instrument, intestacy,
 19 renunciation, or any other circumstance. The property,
 20 benefit, or other interest shall pass as if the person
 21 convicted of a violation of Section 12-19, 12-21, or 16-1.3
 22 of the Criminal Code of 1961 died before the decedent;
 23 provided that with respect to joint tenancy property or
 24 property held in tenancy by the entirety, the interest
 25 possessed prior to the death by the person convicted may not
 26 be diminished by the application of this Section.

27 The holder of any property subject to the provisions of
 28 this Section is not liable for distributing or releasing the
 29 property to the person convicted of violating Section 12-19,
 30 12-21, or 16-1.3 of the Criminal Code of 1961.

31 The Department of State Police shall have access to State
 32 of Illinois databases containing information that may help in

1 the identification or location of persons convicted of the
2 offenses enumerated in this Section. Interagency agreements
3 shall be implemented, consistent with security and procedures
4 established by the State agency and consistent with the laws
5 governing the confidentiality of the information in the
6 databases. Information shall be used only for administration
7 of this Section.